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DECISION



20403
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

Edwards

FILE: B-204865

DATE: December 29, 1981

MATTER OF: Petty Officer Norfleet G. Freeman, USN

DIGEST: Member assigned to Government quarters may not be reimbursed for expenses incurred in commuting between place of abode and permanent duty station. As a general rule, travel between a member's place of abode and his permanent duty station is not regarded as travel on official business within 37 U.S.C. § 408 but is the personal responsibility of the member. In the application of this rule, there is no basis for distinguishing between members who reside in Government quarters and those who reside in private lodgings.

This responds to a request from Petty Officer Norfleet G. Freeman, USN, for reconsideration of our Claims Group's denial of his claim for reimbursement of daily commuting expenses between his place of abode and his permanent duty station. For the reasons set forth below, we sustain the denial of the claim.

During the period from May 15 through September 30, 1979, Petty Officer Freeman was assigned permanent duty at the Naval Biosciences Laboratory, Naval Supply Center, in Oakland, California. During that same period, having elected not to receive Basic Allowance for Quarters (BAQ), he was assigned quarters in enlisted men's barracks at Treasure Island, San Francisco, some 9 miles away. Until October 1, 1979, when Government transportation was made available to him, he used his privately owned vehicle (POV) to commute daily between his place of abode and his permanent duty station. His claim for reimbursement of his commuting expenses, No. 2-2827762, was denied by our Claims Group on July 22, 1981.

Section 408 of title 37, United States Code (1976), provides for reimbursing a member of the uniformed services for costs of transportation necessary in the conduct of "official business" within the limits of his station. Reimbursement for the use of a POV incident to such travel is to be at a fixed rate per mile as prescribed by regulation. Paragraph M4500 of Volume 1

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of the Joint Travel Regulations (1 JTR) authorizes such reimbursement when determined to be advantageous to the Government.

It has long been our view that, with one exception not relevant to the present case, travel between a member's place of abode and his permanent duty station is not travel on "official business" within the meaning of 37 U.S.C. § 408 (1976). As a general rule, such travel is considered to be the personal responsibility of the member, and is not reimbursable by the Government. See 48 Comp. Gen. 124, 126 (1968); 45 id. 30, 33 (1965).

In his July 7, 1981 letter requesting reconsideration of his claim, Petty Officer Freeman acknowledges this general rule. He states, however, that in the application of this rule, a distinction should be drawn between members who reside in private lodgings, collecting BAQ, and those assigned to Government quarters. He states that, in the latter situation, the Government is responsible for the member's transportation. We find no legal basis for this statement; nor do we perceive any basis for making the suggested distinction.

Our determination that expenses incurred in traveling to and from a member's permanent duty station are personal has never been based upon factors related to where the member resides. See 42 Comp. Gen. 612, 615 (1963). Were we to consider such factors, there is no relevant difference between members who commute to their permanent duty stations from Government quarters and those who must commute from private lodgings. In both situations, members are considered to be on duty at all times except when excused. See 48 Comp. Gen. 124, 126 (1968). In each case, members are generally required to report to a specific post of duty during set hours. Id. Although members residing in Government quarters do not receive BAQ, those who receive this allowance are being compensated for the costs of procuring quarters; it is not a subsidy for personal travel expenses. See 37 U.S.C. § 403 (1976).

In light of the above, we conclude that there is no basis for distinguishing between members who reside in private lodgings and those who reside in Government quarters for the purposes of 37 U.S.C. § 408 (1976). Our

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Claims Group, therefore, correctly denied Mr. Freeman's claim under the rule that travel expenses between a member's place of abode and his permanent duty station are the personal responsibility of the member. Accordingly, that denial is sustained.

Harry R. Van Cleave
For Comptroller General
of the United States